

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JAMES REEVES

PLAINTIFF,

VS.

**VIJAI KWANBUNBUMPEN, AND KLLM
TRANSPORT SERVICES, LLC,**

DEFENDANTS.

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CIVIL ACTION NO.:

**DEFENDANTS VIJAI KWANBUNBUMPEN AND KLLM TRANSPORT SERVICES,
LLC'S NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendants KLLM Transport Services, LLC and Vijai Kwanbunbumpen (hereinafter collectively referred to as "Defendants") and hereby files this Notice of Removal and Demand for Jury Trial of cause number DC-21-05485 currently pending in the 298th Judicial District Court of Dallas County, Texas. Defendants remove the case to the U.S. District Court for the Northern District of Texas, Dallas Division pursuant to 28 U.S.C. §§ 1332, 1441. And 1446. As grounds for removal, Defendants state as follows:

I. This Removal is Timely.

1. This removal is timely as KLLM Transport Services, LLC was served with Plaintiff's Citation and Original Petition on May 13, 2021 and Vijai Kwanbunbumpen was served with Plaintiff's Citation and Original Petition on June 3, 2021. This Notice of Removal is being filed within thirty days from the date of service of process of this lawsuit pursuant to 28 U.S.C. §1446.

II. This Removal is Based on Diversity Jurisdiction.

2. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between Plaintiff and Defendants, and more than \$75,000, exclusive of interest and costs, is at stake.

3. Plaintiff is, and was at all relevant times, a resident of Dallas County, Texas. *See Plaintiff's Original Petition, Section III.*

4. Defendant Kwanbunbumpen is a resident and citizen of the State of Louisiana at the time of the incident that makes the basis of this lawsuit and at the time of the filing of this lawsuit.

5. As explained in the affidavit of Mr. Thornton, CFO of KLLM Transport Services, LLC (attached as **Exhibit "E"**), Defendant KLLM is a limited liability company incorporated in the State of Texas whose principal place of business is 135 Riverview Drive, Richland, Mississippi 39218. *See Exhibit "E" "Affidavit of Terry Thornton" at ¶ 4.* Defendant KLLM is a 100% wholly owned subsidiary of Investment Transportation Services, LLC. *Id.* at ¶ 5. Further, Investment Transportation Services, LLC is the sole member of KLLM Transport Services, LLC. *Id.* at ¶ 5.

6. Investment Transportation Services, LLC is a 100% wholly owned subsidiary of Duff Capital Investors, LLC. *Id.* at ¶ 6. Duff Capital Investors, LLC is the sole member of Investment Transportation Services, LLC. *Id.* at ¶ 6.

7. Duff Capital Investors, LLC is wholly owned by two members, the Thomas Milton Duff Amended and Restated Trust and the James Earnest Duff Amended and Restated Trust. *Id.* at ¶ 7.

8. The trustee of the Thomas Milton Duff Amended and Restated Trust is Thomas

Milton Duff, a domicile of the State of Mississippi who resides at 73 Tidewater Road, Hattiesburg, Mississippi 39402. *Id.* at ¶ 8. The sole beneficiary of the Thomas Milton Duff Amended and Restated Trust is Thomas Milton Duff. *Id.* at ¶ 8.

9. The trustee of the James Earnest Duff Amended and Restated Trust is James Earnest Duff, a domicile of the State of Mississippi who resides at 183 West Canebrake Blvd., Hattiesburg, MS 39402. *Id.* at ¶ 9. The sole beneficiary of the James Earnest Duff Amended and Restated Trust is James Earnest Duff. *Id.* at ¶ 9.

10. Because the citizenship of a limited liability company “is determined by the citizenship of all of its members,” Defendant KLLM is a resident and citizen of the State of Mississippi. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

11. Therefore, there is complete diversity between Plaintiff and Defendants in this action.

12. Plaintiff is seeking damages in excess of \$1,000,000.00 for physical pain and mental anguish in the past and future; medical expenses in the past and future; and physical impairment. *See Plaintiff’s Original Petition, Sections II.*

13. When a plaintiff’s monetary demand is stated in the complaint, a defendant may rely upon the allegation to meet the federal diversity jurisdiction amount in controversy requirement. *See* 28 U.S.C. § 1446(c)(2).

14. Thus, the amount in controversy in this suit is over \$75,000, and the jurisdictional threshold under 28 U.S.C. § 1332(a) is satisfied.

15. Plaintiff’s Petition therefore presents a cause of action with diversity jurisdiction, and removal of this action to this Court is proper pursuant to 28 U.S.C. § 1332(a).

III. Removal to the Dallas Division is Proper.

16. On April 29, 2021, Plaintiff filed his Original Petition in state court in the 298th Judicial District Court located in Dallas County, Texas, pursuant to Texas Civil Practice and Remedies Code §15.002(a)(1) because Dallas County, Texas is where all or a substantial part of the events or omissions giving rise to the claim occurred. *See Plaintiff's Original Petition, Section IV.* Dallas County falls within the Northern District of Texas, specifically, the Dallas Division. As such, this venue is proper.

IV. The Removal Requirements under 28 U.S.C. §1446(a) have been Satisfied.

17. Plaintiff is represented by Victor Rodriguez, (Texas Bar No. 24063577) and Shelly Greco (Texas Bar No. 24008168) of Witherite Law Group, PLLC, 901 W. Vickery Blvd., Fort Worth, Texas, 76104, telephone no. (817) 263-4466, facsimile (817) 263-4477 and email victor.rodriguez@witheritelaw.com and shelly.greco@witheritelaw.com.

18. Pursuant to Local Rule 81.1 a completed civil cover sheet and a completed supplemental civil cover sheet are filed herewith.

19. Pursuant to 28 U.S.C. §1446(a), and Local Rule 81.1, the following documents are attached hereto and filed herewith:

- a. **EXHIBIT "A"**: an index of all documents that clearly identifies each document and indicates the date the document was filed in State Court;
- b. **EXHIBIT "B"**: a copy of the State Court's docket sheet in the State Court action;
- c. **EXHIBIT "C"**: Each document filed in the State Court action except discovery material;
- d. **EXHIBIT "D"**: a separately signed certificate of interested persons that complies with Local Rule 3.1(c) or 3.2(e).

- e. **EXHIBIT “E”**: the affidavit of Terry Thornton, CFO of KLLM Transport Services, LLC.
20. The state court action is currently pending and Defendants have appeared and answered therein.
21. Defendants now file this Notice of Removal based on the grounds asserted herein and promptly upon the filing of same, are also filing a Notice of Filing of Notice of Removal with the state court in which the case was previously pending.
22. Defendants specifically reserve their right to amend or supplement this Notice of Removal.

Jury Trial Demand

23. Pursuant to Federal Rule of Civil Procedure 38, a jury trial is demanded on all issues presented in this case.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully pray that the above-entitled action now pending in the 298th Judicial District Court of Dallas County, Texas be removed to this Court. Praying further, Defendants request such other and further relief to which they are justly entitled.

Respectfully submitted,

CHAMBLEE RYAN, P.C.

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**ATTORNEYS FOR DEFENDANTS KLLM
TRANSPORT SERVICES, LLC AND VIJAI
KWANBUNBUMPEN**

CERTIFICATE OF SERVICE

I do hereby certify that on June 9, 2021 a true and correct copy of the above and foregoing document has been served via the court's e-file/e-service system to all counsel of record.

E-service: victor.rodriguez@witheritelaw.com

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